

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION

Ronnie Manns,)	
)	
Plaintiff,)	
)	Court No. 07 C 50244
v.)	
)	Hon. Frederick J. Kapala
)	Judge Presiding
Illinois Department of Children and)	Magistrate Judge P. Michael Mahoney
Family Services, <i>et al.</i>)	
)	
Defendants.)	

STATE DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT

NOW COMES the Defendant the Illinois Department of Children and Family Services (hereinafter "DCFS" or "Department"), by its attorney, LISA MADIGAN, Illinois Attorney General, and moves to dismiss Plaintiff's Complaint pursuant to Fed.R.Civ.P. 12(b)(1). In support of this motion State Defendant has filed a memorandum of law that is incorporated herein by reference and states as follows:

1. Plaintiff names the Illinois Department of Children and Family Services as a Defendant. Plaintiff's action against the state agency is completely barred by the Eleventh Amendment and must be dismissed.

2. The essence of Plaintiff's complaint is his dissatisfaction with the conduct and outcome of state court proceedings and the administrative process of the Department. To the extent that Plaintiff is attempting to litigate matters previously considered by the state court, the doctrine of issue preclusion and the *Rooker-Feldman* doctrine bar Plaintiff's claims.

WHEREFORE, for the foregoing reasons and for the reasons stated in State Defendant's memorandum of law in support of its motion to dismiss, the Illinois Department of Children and

Family Services respectfully request that this Honorable Court grant its motion to dismiss Plaintiff's complaint pursuant to Fed. R. Civ .P. 12(b)(1).

Respectfully submitted,

LISA MADIGAN
Attorney General, State of Illinois

By: s/James C. Stevens, Jr.
James C. Stevens, Jr. 06191415
Barbara L. Greenspan
Assistant Attorneys General
Attorneys for State of IL Defendants
Office of the IL Attorney General
100 W. Randolph St., Suite 11-200
Chicago, IL 60601
(312) 814-6788
(312) 814-7087
Fax # (312) 814-6885
jim.stevens@illinois.gov
barbara.greenspan@illinois.gov